



**Safety Before LNG**  
*Protecting the Shannon Estuary and its people*

John McElligott,  
Safety Before LNG,  
Island View,  
5 Convent Street,  
Listowel,  
County Kerry

Telephone: +353-87-2804474  
Email: [safetybeforelng@hotmail.com](mailto:safetybeforelng@hotmail.com)  
Web: [www.SafetyBeforeLNG.ie](http://www.SafetyBeforeLNG.ie)

1st October 2019

Ms Ditte Juul-Jørgensen, Director General, DG ENER, European Commission (By email [ditte.juul-joergensen@ec.europa.eu](mailto:ditte.juul-joergensen@ec.europa.eu))

cc. Ms Jane Amilhat, Acting Head of Unit, ENER.B.1, DG ENER, European Commission (By email [jane.amilhat@ec.europa.eu](mailto:jane.amilhat@ec.europa.eu) [ENER-B1-PROJECTS@ec.europa.eu](mailto:ENER-B1-PROJECTS@ec.europa.eu))

cc. Director of Board of Regulators, ACER - Agency for the Cooperation of Energy Regulators – (By Email [director@acer.europa.eu](mailto:director@acer.europa.eu) )

re: Further information on Urgent Request to postpone high-level gas PCI regional group meeting of Friday October 4th, 2019

Dear Commissioner Juul-Jørgensen,

Further to my letter this morning attached below it has now come to our attention, through further AIE requests, that the Irish authorities were aware of the high-level gas PCI regional group meeting in Brussels of Friday October 4<sup>th</sup>, 2019 since **September 16<sup>th</sup>, 2019**.

This means that the Irish authorities planned all discussion on the approval of the PCI projects by Ireland and the consequences of US fracked gas in the Irish Energy Mix for dates **after** the approval would have been given.

This is a highly unacceptable, pre-planned sleight of hand to make this so-called consultation on Ireland's decision on the approval of the PCI list meaningless.

We are now deeply concerned that a political decision is being made in Ireland through heavy lobbying by the fossil fuel sector to accept the Irish projects on the candidate PCI list despite the findings by ACER that all the proposed Irish Gas projects are "*projects which did not prove that their overall benefits outweigh costs*".

We call on you once again to postpone the meeting on Friday, in order for our this to be assessed in the appropriate and legally-compliant manner in Ireland. How can you now believe anything the Irish authorities say to you at the PCI approval process?

This is the confirmation email we just received:

**From:** Roisin Garland <[Roisin.Garland@DCCAIE.gov.ie](mailto:Roisin.Garland@DCCAIE.gov.ie)>  
**Sent:** Tuesday 1 October 2019 11:30  
**To:** [safetybeforelng@hotmail.com](mailto:safetybeforelng@hotmail.com) <[safetybeforelng@hotmail.com](mailto:safetybeforelng@hotmail.com)>  
**Subject:** AIE request 2019/34

Dear Mr McElligott

The date of the meeting was only brought to my attention yesterday when the Department was contacted by the European Commission in relation to the meeting on 4/10/2019. Following this contact, we searched through our emails and confirmed that we had not received an invitation to this meeting. However, on performing this email search yesterday, it came to our attention that the upcoming meeting of 4/10/2019 was referenced in an email from the Commission on 16/9/2019. This email of 16/9/2019 related to the minutes of a previous meeting and unfortunately the reference to the upcoming meeting was inadvertently missed.

On checking with the Commission, we established yesterday that the invitation to the upcoming meeting of 4/10/2019 had been issued to Attachés in Brussels. The reason for the mix up was that there has been a recent change of the Department's Attaché and unfortunately the invitation was sent to the wrong email address, accordingly we did not receive it.

I hope this clarifies the position.

Kind regards,

Roisin

**Róisín Garland**

*Energy Security Division*

**Roinn Cumarsáide, Gníomhaithe ar son na hAeráide & Comhshaoil**

*Department of Communications, Climate Action & Environment*

**29-31 Bóthar Adelaide, Baile Átha Cliath, D02 X285**

*29-31 Adelaide Road, Dublin, D02 X285*

T +353 (0)1 6782278

[roisin.garland@dccae.gov.ie](mailto:roisin.garland@dccae.gov.ie) [www.dccae.gov.ie](http://www.dccae.gov.ie)

Yours sincerely,

John McElligott.



**Safety Before LNG**  
*Protecting the Shannon Estuary and its people*

*John McElligott,*  
*Safety Before LNG,*  
Island View,  
5 Convent Street,  
Listowel,  
County Kerry

Telephone: +353-87-2804474  
Email: [safetybeforelng@hotmail.com](mailto:safetybeforelng@hotmail.com)  
Web: [www.SafetyBeforeLNG.ie](http://www.SafetyBeforeLNG.ie)

1st October 2019

Ms Ditte Juul-Jørgensen, Director General, DG ENER, European Commission (By email [ditte.juul-joergensen@ec.europa.eu](mailto:ditte.juul-joergensen@ec.europa.eu))

cc. Ms Jane Amilhat, Acting Head of Unit, ENER.B.1, DG ENER, European Commission (By email [jane.amilhat@ec.europa.eu](mailto:jane.amilhat@ec.europa.eu) [ENER-B1-PROJECTS@ec.europa.eu](mailto:ENER-B1-PROJECTS@ec.europa.eu))

cc. Director of Board of Regulators, ACER - Agency for the Cooperation of Energy Regulators – (By Email [director@acer.europa.eu](mailto:director@acer.europa.eu) )

re: Urgent Request to postpone high-level gas PCI regional group meeting of Friday October 4th, 2019

Dear Commissioner Juul-Jørgensen,

We are requesting an immediate postponement of one week of the next High-Level Decision-Making Group meeting to approve the candidate PCI list due to take place in Brussels on Friday October 4th, 2019 because it is interfering in a very political way with the Irish political process. This meeting is still not even advertised on the DG Energy Website.<sup>1</sup> and by the PCI Regulation rules only has to be called within a month of the ACER opinion completed on September 25th last<sup>2</sup>.

The Commission should now be aware that

- a) no SEA had been undertaken by Ireland of the Energy Plan to import US fracked gas into the country,

---

<sup>1</sup> <https://ec.europa.eu/energy/en/topics/infrastructure/projects-common-interest/regional-groups-and-their-role-pci-process/gas-regional-groups>

<sup>2</sup> Annex III(2)(13) of PCI Regulation (EU) 347/2013 which states “*Within one month of the date of receipt of the Agency’s opinion, the decision-making body of each Group shall adopt its final regional list, respecting the provisions set out in Article 3(3), based on the Groups’ proposal and taking into account the opinion of the Agency and the assessment of the national regulatory authorities submitted in accordance with point (7), or the assessment of the Commission for oil and carbon dioxide transport projects proposed in accordance with point (8). The Groups shall submit the final regional lists to the Commission, together with any opinions as specified in point (9).*” - <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:en:PDF>

- b) that the Irish Parliamentary Joint Committee on Climate Action is due to discuss the consequences of US fracked gas in the Irish Energy Mix on October 9th, 2019 from a climate, health and overriding public interest perspective,
- c) that the Irish Parliament is due to vote on a motion to stop fracked gas from entering the Irish Energy mix,
- d) that Infrastrata announced a non-binding agreement today to purchase the Belfast Shipyards Harland and Wolff "for the Company's Islandmagee Gas Storage Project and proposed FSRU project" - yet another LNG import terminal on the island of Ireland<sup>3</sup>, and
- e) that the European Union Agency for the Cooperation of Energy Regulators (ACER) opinion published yesterday on the draft list of projects of common interest 2019 found that all the proposed Irish Gas projects are "*projects which did not prove that their overall benefits outweigh costs*". - a specific criteria under Article 4(1)(b) which should lead to automatic disqualification of all Irish Projects on the PCI list<sup>4</sup>.

Calling this approval meeting before October 9th will clearly interfere with the right of the Irish Member State to "*determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply*";<sup>5</sup> as is specifically provided for in Article 194 of the Treaty on the Functioning of the European Union (TFEU).

You were also informed by legal notice on Friday September 27th from solicitor Fred Logue acting for Environmental NGO 'Friends of the Irish Environment' threatening proceedings in the Irish Courts if the decision by Ireland to approve the PCI list of Irish projects in Brussels was not made contrary to the SEA Directive obliging a full assessment of legal alternatives<sup>6</sup>.

We fear that Ireland is proceeding, at all costs and without any public consultation in an SEA process as provided for under the SEA Directive, the Public Participation Directive and the Aarhus Convention, with the implementation of the Energy Plan to import fracked US gas<sup>7</sup> announced by President Juncker in July 2018<sup>8</sup> following his visit to President Trump in the USA through multiple LNG terminals and countries and imposed via the PCI procedure.

All this is due to be discussed on October 9<sup>th</sup>, 2019 and we therefore insist that the meeting of October 4<sup>th</sup>, 2019 in Brussels be postponed to accommodate this, or that the European Commission removes the Irish Gas Projects from its proposed 4th PCI list otherwise you are undermining the political and public consultation process in Ireland, for what is ultimately and Irish Member State decision.

---

<sup>3</sup> <https://uk.advfn.com/stock-market/london/INFA/share-news/Infrastrata-PLC-Harland-and-Wolff-Agreement/80832589?adw=1126416>

<sup>4</sup> Article 4(1)(b) of PCI Regulation (EU) 347/2013 states "*Projects of common interest shall meet the following general criteria ... the potential overall benefits of the project, assessed according to the respective specific criteria in paragraph 2, outweigh its costs, including in the longer term*" - <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:en:PDF>

<sup>5</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>

<sup>6</sup> [https://friendsoftheirenviroment.org/images/pdf/LT\\_to\\_MCCAE\\_2792019\\_final.pdf](https://friendsoftheirenviroment.org/images/pdf/LT_to_MCCAE_2792019_final.pdf)

<sup>7</sup> [http://europa.eu/rapid/press-release\\_IP-19-2313\\_en.htm](http://europa.eu/rapid/press-release_IP-19-2313_en.htm)

<sup>8</sup> Joint U.S.-EU Statement following President Juncker's visit to the White House Washington, 25 July 2018 ([http://europa.eu/rapid/press-release\\_STATEMENT-18-4687\\_en.htm](http://europa.eu/rapid/press-release_STATEMENT-18-4687_en.htm))

We await your immediate response to this very troubling matter (with timeline below) for what we feel is effectively political interference with the PCI process.

Yours sincerely,

John McElligott.

Timeline:

On **Monday September 30th, 2019**, the Irish Department of Communications, Climate Action and the Environment, through an AIE request by email to a local resident revealed that the next High-level Decision Making Group meeting to approve the candidate PCI list would take place in Brussels on Friday October 4th, 2019. This meeting is still not advertised on the DG Energy Website.<sup>9</sup>

**From:** Roisin Garland <Roisin.Garland@DCCAIE.gov.ie>

**Sent:** Monday 30 September 2019 17:33

**To:** safetybeforelng@hotmail.com <safetybeforelng@hotmail.com>

**Subject:** AIE request 2019/34

Dear Mr. McElligott,

I refer to my letter of 18<sup>th</sup> September 2019 (attached) in which I indicated that the next meeting of the High Level Decision Making Group was due to be held in October but as yet a date had not been confirmed by the EU Commission. I have been informed today that this meeting has been arranged for Friday, 4<sup>th</sup> October 2019.

Apologies for any inconvenience caused.

Kind Regards

Roisin Garland

On **Wednesday September 25th, 2019** the Irish Parliamentary Joint Committee on Climate Action agreed to have a meeting on Wednesday, **9th October 2019** to discuss ‘the impact of fracked gas on the climate and its impact on Irelands climate goals should we facilitate the importation of fracked gas from North America into Ireland’. The Committee agreed to get live testimonies from the following people:

- Professor Robert Howarth, explaining his latest peer-reviewed scientific study which found that shale-gas production in North America may have contributed to approximately one-third of the total increased methane emissions from all sources globally over the past decade<sup>10</sup>;
- Doctor Kathy Nolan explaining the consequences of fracking on the health of people in the USA, given that increased demand for imports of fracked gas from America into Ireland and Europe would lead to an increase in Fracking in America and lead to even more Americans getting poisoned from fracking and
- Environmental Activists explaining how PCI Accreditation would set the framework for development consent in Ireland, because the US Fracked Gas Import project in Ireland by Shannon LNG would have to be built and funded by public money due to

---

<sup>9</sup> <https://ec.europa.eu/energy/en/topics/infrastructure/projects-common-interest/regional-groups-and-their-role-pci-process/gas-regional-groups>

<sup>10</sup> Howarth, R. W.: Ideas and perspectives: is shale gas a major driver of recent increase in global atmospheric methane?, Biogeosciences, 16, 3033–3046, <https://www.biogeosciences.net/16/3033/2019/>, 2019

its status of 'overriding public interest'<sup>11</sup>. This would happen without any high-level Strategic Environmental Assessment (SEA) to assess reasonable alternatives, thereby preventing the country from having an Energy Mix which would not include the Filthy Fossil Fuel which is Fracked gas.

On **Thursday September 26th, 2019**, a motion was submitted to the Irish Parliament (the Dáil), co-signed by 44 Members of Parliament (TDs) from a variety of political parties:

*" to remove any project from the proposed list of Projects of Common Interest that could support the building of an LNG facility in Ireland that will act as a gateway for fracked gas entering the Irish energy mix; and  
to build support in Europe to prioritise sustainability criteria in the assessment of candidate PCI projects, that will address fossil fuel lock in and the long-term impacts of fracked gas in the European energy mix, given the expected change in climatic conditions."*<sup>12</sup>

On **Friday September 27th 2019**, the eNGO 'Friends of the Irish Environment' informed, via legal letter, Irish Minister Richard Bruton (and the European Commissioner, Ms Ditte Juul-Jørgensen, Director General, DG ENER, Ms Jane Amilhat, Acting Head of Unit, ENER, Caoimhán Smith, Energy Security Division, DCCA, and Mr Paul Byrne, Commission for Regulation of Utilities) that it was requesting a Strategic Environmental Assessment of the approval by Ireland of the candidate PCI projects on its territory. If this was not undertaken before a decision to approve the Irish candidate PCI projects going onto the 4th PCI list was made in the High-level meeting in Brussels, it reserved its right to challenge this decision in the courts.<sup>13</sup>

On **Monday September 30th, 2019** the European Union Agency for the Cooperation of Energy Regulators (ACER), published its opinion completed on **Wednesday September 25th, 2019**, on the draft list of projects of common interest 2019<sup>14</sup>. It found that all the proposed Irish Gas projects are "*projects which did not prove that their overall benefits outweigh costs*". This is a specific criterion under Article 4(1)(b) which should lead to automatic disqualification of all Irish Projects on the PCI list.

On **Tuesday October 1st, 2019**, Infrastrata announced a non-binding agreement to purchase the Belfast Shipyards Harland and Wolfe for an LNG terminal - "*for the Company's Island Magee Gas Storage Project and proposed FSRU project*"<sup>15</sup>. This was not how Infrastrata presented its project on May 7th and 8th in Brussels and shows the complete disregard for public scrutiny and high-level assessment of its plans.

---

<sup>11</sup> Article 7 of the PCI Regulation (EU) No 347/2013 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:en:PDF>

<sup>12</sup> Annex IV (3) (d) (Rules and indicators concerning criteria for projects of common interest), of the PCI Regulation (EU) No 347/2013 ("*Sustainability shall be measured as the contribution of a project to reduce emissions, to support the back-up of renewable electricity generation or power-to-gas and biogas transportation, taking into account expected changes in climatic conditions.*") <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:en:PDF>

<sup>13</sup> [https://friendsoftheireishenvironment.org/images/pdf/LT\\_to\\_MCCA\\_2792019\\_final.pdf](https://friendsoftheireishenvironment.org/images/pdf/LT_to_MCCA_2792019_final.pdf)

<sup>14</sup>

[https://www.acer.europa.eu/Official\\_documents/Acts\\_of\\_the\\_Agency/Opinions/Opinions/ACER%20Opinion%2019-2019%20on%20Gas%20PCI%20list.pdf](https://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Opinions/Opinions/ACER%20Opinion%2019-2019%20on%20Gas%20PCI%20list.pdf)

<sup>15</sup> <https://www.voxmarkets.co.uk/rns/announcement/1a16ffa3-7ea6-4d32-bb03-8a5d14e8c9b9/>